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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/574,637	05/18/2000	John J. Johnson IV	30603UT1002	8108
5179	7590	10/17/2003	EXAMINER	
PEACOCK MYERS AND ADAMS P C P O BOX 26927 ALBUQUERQUE, NM 871256927			HWU, DAVIS D	
			ART UNIT	PAPER NUMBER
			3752	

DATE MAILED: 10/17/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/574,637

Applicant(s)

JOHNSON, JOHN J.

Examiner

Davis Hwu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 41-109 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 41-59 is/are allowed.
- 6) ☒ Claim(s) 60-73, 75-81, 83-90, 92-98 and 100-107 is/are rejected.
- 7) ☒ Claim(s) 74, 82, 91, 99 and 108 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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***Response to Amendment***

1. Applicant's amendment of October 1, 2003 is acknowledged and entered as paper number 27.
2. This application is being re-opened for examination since the examiner inadvertently missed the new claims 60-109.
3. All of the appropriate 35 USC paragraphs can be found in the office action of July 17, 2002 and will not be repeated herein.

***Claim Rejections - 35 USC § 103***

4. Claims 60-62, 66-68, 72, 73, 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pestotnik in view of Carrier and Arnold.

The patent to Pestotnik discloses a vehicle comprising:

- a triangular wheel base comprising a single front wheel and two opposing rear wheels 30 (Column 5, lines 59-60);
- a driver's seat and a vehicle engine in which the vehicle of Pestotnik can be used as a fire-fighting emergency response vehicle (Column 6, line 67 and Column 7, lines 1-2);
- in which the vehicle comprises a rigid frame for withstanding impacts with obstacles such as branches since the vehicle is to be used to travel through a forest as recited in claim 52

Pestotnik does not disclose a driver's compartment and a fluid delivery tank and the front wheel comprising a 360 degree rotatability. The patent to Carrier teaches an all terrain fire-fighting vehicle comprising a removable fluid delivery tank 14 including a

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modular auxiliary tank containing foaming agent (Column 4, lines 35-37) as recited in claim 67 and a driver's compartment 82 including a seat in which the compartment protects passengers from potential hazards (Column 5, lines 1-2) and the patent to Arnold teaches a vehicle comprising a steering system which provides a 360 degree rotatability. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Pestotnik by providing a fluid delivery tank having a modular auxiliary tank and a driver's compartment as taught by Carrier in order to be able to fight fires at remote locations using water and foam and to protect the driver from potential hazards and to have provided 360 degree rotatability for the front wheel as taught by Arnold for translational movement of the vehicle. The tank of Carrier will produce approximately 10,000 gallons of foam which is approximately 26,000 liters. The 34,000 liters of foam as recited in claim 67 would have been an obvious matter of design choice since such a modification involves changing the size of the tank which is generally recognized as being within the level of ordinary skill in the art. The weight as recited in claim 75 is an obvious matter of design choice depending of the required capacity of the vehicle.

5. Claim 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pestotnik in view of Carrier and Arnold as applied to claim 60 and in further view of Bolton et al.

The patents to Pestotnik, Carrier, and Arnold disclose the instant invention except for the at least one window being resistant to fire. The patent to Bolton et al. teaches providing fire resistant windows to vehicles for fire protection. It would have been

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obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Pestotnik, Carrier, and Arnold by providing a fire resistant window as taught by Bolton et al. for heat protection.

6. Claim 64 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pestotnik in view of Carrier and Arnold as applied to claim 60 and in further view of Atkins.

The patents to Pestotnik, Carrier, and Arnold disclose the instant invention except for the chain and sprocket steering mechanism. The patent to Atkins teaches a vehicle having a chain and sprocket steering system. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated into the vehicle of Pestotnik, Carrier, and Arnold a chain and sprocket steering system as taught by Atkins since Atkins teaches that such arrangements are known to one of ordinary skill in the art and the vehicle of Pestotnik, Carrier, and Arnold would function properly with such arrangements.

7. Claim 65 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pestotnik in view of Carrier and Arnold as applied to claim 60 and in further view of Telesio.

The patents to Pestotnik, Carrier, and Arnold disclose the instant invention except for the removable engine. The patent to Telesio teaches a vehicle having a removable engine for maintenance or replacement. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provide a capability of

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removing the engine as taught by Telesio to remove the engine for maintenance or replacement.

8. Claim 69 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pestotnik in view of Carrier and Arnold as applied to claim 60 and in further view of Star. The patents to Pestotnik, Carrier, and Arnold disclose the instant invention except for the at least one attachment point as recited. The patent to Star teaches an emergency vehicle having at least one attachment point on the vehicle for airlifting and airdropping the vehicle (Column 3, lines 39-45). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Pestotnik, Carrier, and Arnold by providing at least one attachment point on the vehicle as taught by Star for airlifting and airdropping the vehicle to a specific area to save time.

9. Claim 70 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pestotnik in view of Carrier and Arnold as applied to claim 60 and in further view of Willard, Jr.

The patents to Pestotnik, Carrier, and Arnold disclose the instant invention except for the runflat tires. The patent to Willard, Jr. teaches a run-flat tire which demonstrates improved vehicle performance under deflated conditions and yet achieves the same vehicle performance as a standard tire when inflated. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Pestotnik, Carrier, and Arnold by using runflat tires as taught by Willard, Jr. in order to provide improved vehicle performance under deflated conditions and achieve the same vehicle performance as a standard tire when inflated.

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10. Claim 71 rejected under 35 U.S.C. 103(a) as being unpatentable over Pestotnik in view of Carrier and Arnold as applied to claim 60 above, and further in view of Matsushita.

The patents to Pestotnik, Carrier, and Arnold disclose the instant invention except for the left and right brakes and the brakes comprising separate controllability. The patent to Matsushita teaches a vehicle steering control system comprising left and right brakes and control valves for separately controlling the left and right brakes in order to obtain smooth turning performance. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Pestotnik, Carrier, and Arnold by incorporating left and right brakes wherein the brakes are separately controlled as taught by Matsushita in order to provide a smooth turning performance.

11. Claims 76-78, 81, 84-86, 89, 90, 92-95, 98, 101-103, 106, 107, and 109 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pestotnik in view of Carrier and Matsushita.

The patents to Pestotnik and Carrier disclose the instant invention except for the left and right brakes and the brakes comprising separate controllability. The patent to Matsushita teaches a vehicle steering control system comprising left and right brakes and control valves for separately controlling the left and right brakes in order to obtain smooth turning performance. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Pestotnik and Carrier by incorporating left and right brakes wherein the brakes are separately

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controlled as taught by Matsushita in order to provide a smooth turning performance.

The tire size as recited in claim 81 and the capacity as recited in claim 85 are obvious matters of design choice as the weight as recited in claim 92.

12. Claims 79 and 96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pestotnik in view of Carrier and Matsushita as applied to claims 76 and 93 and in further view of Bolton et al.

The patents to Pestotnik, Carrier, and Matsushita disclose the instant invention except for the at least one window being resistant to fire. The patent to Bolton et al. teaches providing fire resistant windows to vehicles for fire protection. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Pestotnik, Carrier, and Matsushita by providing a fire resistant window as taught by Bolton et al. for heat protection.

13. Claims 80 and 97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pestotnik in view of Carrier and Matsushita as applied to claims 76 and 93 and in further view of Atkins.

The patents to Pestotnik, Carrier, and Matsushita disclose the instant invention except for the chain and sprocket steering mechanism. The patent to Atkins teaches a vehicle having a chain and sprocket steering system. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated into the vehicle of Pestotnik, Carrier, and Matsushita a chain and sprocket steering system as taught by Atkins since Atkins teaches that such arrangements are known to one of



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ordinary skill in the art and the vehicle of Pestotnik, Carrier, and Matsushita would function properly with such arrangements.

14. Claims 83 and 100 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pestotnik in view of Carrier and Matsushita as applied to claims 76 and 93 and in further view of Telesio.

The patents to Pestotnik, Carrier, and Matsushita disclose the instant invention except for the removable engine. The patent to Telesio teaches a vehicle having a removable engine for maintenance or replacement. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provide a capability of removing the engine as taught by Telesio to remove the engine for maintenance or replacement.

15. Claims 87 and 104 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pestotnik in view of Carrier and Matsushita as applied to claims 76 and 93 and in further view of Star.

The patents to Pestotnik, Carrier, and Matsushita disclose the instant invention except for the at least one attachment point as recited. The patent to Star teaches an emergency vehicle having at least one attachment point on the vehicle for airlifting and airdropping the vehicle (Column 3, lines 39-45). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Pestotnik, Carrier, and Matsushita by providing at least one attachment point on the vehicle as taught by Star for airlifting and airdropping the vehicle to a specific area to save time.

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16. Claims 88 and 105 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pestotnik in view of Carrier and Matsushita as applied to claims 76 and 93 and in further view of Willard, Jr.

The patents to Pestotnik, Carrier, and Matsushita disclose the instant invention except for the runflat tires. The patent to Willard, Jr. teaches a run-flat tire which demonstrates improved vehicle performance under deflated conditions and yet achieves the same vehicle performance as a standard tire when inflated. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Pestotnik, Carrier, and Matsushita by using runflat tires as taught by Willard, Jr. in order to provide improved vehicle performance under deflated conditions and achieve the same vehicle performance as a standard tire when inflated.

***Allowable Subject Matter***

17. Claims 74, 82, 91, 99, and 108 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

18. Claims 41-59 are allowed.

***Conclusion***

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis Hwu whose telephone number is 703-305-1663. The examiner can normally be reached on M-F 7:30 AM to 4:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Y. Mar can be reached on (703)308-2087. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-

0861.

A handwritten signature in black ink, appearing to be 'Davis Hwu', with a stylized, cursive-like script.

Davis Hwu